



BOYLE
FREDRICKSON
NEWHOLM
STEIN & GRATZ_{SC}

SUITE 1030

250 EAST WISCONSIN AVENUE

MILWAUKEE, WI 53202

PHONE: 414.225.9755 FAX: 414.225.9753

E-MAIL: MAIL@BOYLEFRED.COM

INTELLECTUAL PROPERTY LAW

TIMOTHY E. NEWHOLM
DIRECT DIAL: 414-225-1667
TEN@BOYLEFRED.COM

February 23, 2004

Mail Stop PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: Continuation Patent Application Transmittal
Inventor: Martin Greppmair
Title: *Working Machine with Reduced Upper Mass Vibration*
Assignee: Wacker Construction Equipment
Priority: Continuation of U.S. Appl. Ser. No. 09/508,356; filed
March 9, 2000
USPTO Customer Acct. No.: 23598
Atty. Docket No.: 72.093

Dear Sir:


Enclosed in connection with the above-identified *continuation* utility patent application are:

- 7 pages of specification;
- 20 claims on 3 sheets;
- 1 page of Abstract,
- 3 Drawings on 3 sheets, and
- a Continuation Application Transmittal;
- a Fee Transmittal Form PTO/SB/17 (10/03);
- a copy of the Declaration as filed in corresponding patent Application Serial No. 09/508,356, filed March 9, 2000;

- a copy of the Notice of Recordation of Assignment to **Wacker Construction Equipment AG** recorded **November 25, 2002**, on Reel **013496**, Frame **0853**; and
- an Information Disclosure Statement for a continuation application.

The Director is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



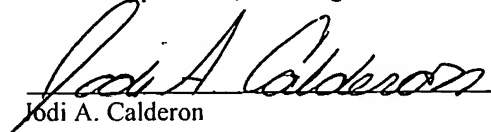
Timothy E. Newholm
Registration No. 34,400

Certification Under 37 CFR 1.10

Express Mail Label No: **EV313041829US**

Date of Deposit: **February 23, 2004**

I hereby certify that this paper or fee is being deposited with the United States Postal Service in "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Director of the U.S. Patent and Trademark Office, Box Patent Application, Washington, D.C. 20231.



Jodi A. Calderon

022404

18351 U.S. PTO

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant Claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$770)

Complete if Known

| | |
|----------------------|-------------------|
| Application Number | |
| Filing Date | February 23, 2004 |
| First Named Inventor | Greppmair |
| Examiner Name | Raymond W. Addie |
| Art Unit | 3671 |
| Attorney Docket No. | 72.093 |

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit AccountDeposit Account Number
Deposit Account Name

50-1170

Boyle Fredrickson Newholm Stein & Gratz S.C.

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1001 | 770 | 2001 | 385 | Utility filing fee | 770 |
| 1002 | 340 | 2002 | 170 | Design filing fee | |
| 1003 | 530 | 2003 | 265 | Plant filing fee | |
| 1004 | 770 | 2004 | 385 | Reissue filing fee | |
| 1005 | 160 | 2005 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$770)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | | Extra Claims | | Fee from below | | Fee Paid |
|--------------|--------|--------------|---|----------------|----|----------|
| Independent | Claims | -20**= | 0 | x | 18 | |
| 3 | | -3**= | 0 | x | 86 | |
| | | | | | | |

Multiple Dependent

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|---|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1202 | 18 | 2202 | 9 | Claims in excess of 20 | |
| 1201 | 86 | 2201 | 43 | Independent claims in excess of 3 | |
| 1203 | 290 | 2203 | 145 | Multiple dependent claim, if not paid | |
| 1204 | 86 | 2204 | 43 | **Reissue independent claims over original patent | |
| 1205 | 18 | 2205 | 9 | **Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$0)

** or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity | | Small Entity | | Fee Description | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month | |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month | |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month | |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month | |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month | |
| 1401 | 330 | 2401 | 165 | Notice of Appeal | |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal | |
| 1403 | 290 | 2403 | 145 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable | |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional | |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) | |
| 1502 | 480 | 2502 | 240 | Design issue fee | |
| 1503 | 640 | 2503 | 320 | Plant issue fee | |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 | 770 | 2810 | 385 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) | |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$0)

SUBMITTED BY

| | | | | | |
|-------------------|--------------------|-----------------------------------|-------|-----------|-------------------|
| Name (Print/Type) | Timothy E. Newholm | Registration No. (Attorney/Agent) | 34400 | Telephone | 414.225.9755 |
| Signature | | | | Date | February 23, 2004 |

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

{00054624.DOC /}

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): GREPPMAIR, Martin

Art Unit: 3671

Serial No. Unassigned

Examiner: Addie, R.

Filed: February 23, 2004

Attorney Docket No. 72.093

For: *Working Machine With Reduced Upper Mass Vibrations*

Priority: Continuation of U.S. Application Serial No. 09/508,356, filed March 9, 2000

CONTINUATION APPLICATION TRANSMITTAL LETTER

Mail Stop Patent Application
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a request for filing a continuation application under 37 CFR §1.53(b) and 37 CFR §1.78 of pending parent application Serial No. **09/508,356** filed **March 9, 2000**, of **Martin Greppmair** for *Working Machine with Reduced Upper Mass Vibration*. The parent application is located in **Group Art Unit 3671** and assigned to Examiner **Raymond Addie**.

Enclosed is a copy of the prior application. The text of this application differs from the text of the parent application Serial No. 09/508,356 in that the following amendments have been incorporated therein:

- (1) "Cross-Reference to Related Application" section has been entered to incorporate the necessary reference to the parent application;
- (2) Amendments made to the parent application during its pendency, including section headings suggested by the USPTO;

- (3) Original claims 1-8 have been deleted. Claims 9-15 have been renumbered as claims 1-7. New claims 8-20 have been added; and
- (4) The three (3) sheets of drawings (Figures 1, 1a, and 2), as approved by the Examiner on July 15, 2002.
- (5) A copy of the Power of Attorney filed in the parent application.

The filing fee is calculated below:

| | Number Filed | Number Extra | Rate | Basic Fee \$770.00 |
|--------------------|-----------------|-----------------|----------|-----------------------|
| Total Claims | 20 | 0 | \$ 18.00 | \$ 0 |
| Independent Claims | 3 | 0 | \$ 86.00 | \$ 0 |
| Total Filing Fee | | | | \$770.00 |

A check in the amount of \$770.00 is enclosed to cover the filing fee. The Director is hereby authorized to charge any additional fees required under 37 CFR §1.16 or §1.17, or credit any overpayment to Deposit Account No. 50-1170. A duplicate copy of this paper is attached.

This application is assigned to **Wacker Construction Equipment AG** by virtue of an assignment recorded **November 25, 2003**, on Reel **013496**, Frame **0853**, copy enclosed.

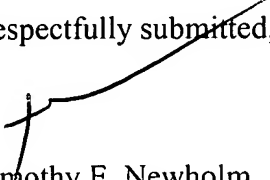
Please address all telephone calls to:

Timothy E. Newholm
(414) 225-9755

Please address all correspondence to:

Timothy E. Newholm
Boyle, Fredrickson, Newholm, Stein & Gratz, S.C.
250 East Wisconsin Avenue, Suite 1030
Milwaukee, Wisconsin 53202

Respectfully submitted,



Timothy E. Newholm
Registration No. 34,400

Customer Account No. 23,598

BOYLE, FREDRICKSON, NEWHOLM,
STEIN & GRATZ, S.C.
250 East Wisconsin Avenue, Suite 1030
Milwaukee WI 53202
(414) 225-9755